85 - 1823

Supreme Court, U.S.
FILED
MAY 6 1986
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1985

No. _____

LOWELL M. STROOM

Appellant,

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U. S. Senate; THOMAS P. O'NEILL, Speaker of the U. S. House of Representatives; AMBASSADORS AND APPOINTED U. S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W

Appellees.

On Appeal to the United States Court of Appeals for the Third Circuit

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JURISDICTIONAL STATEMENT

2 U.S.C. Section 437h

MOTION TO EXPEDITE

Lowell M. Stroom
Box D-6
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QUESTIONS PRESENTED

1. Whether the condition which is complained of herein, so offends the laws of the U. S. Constitution, and so deprives the same laws of their supremacy, (Article VI, U. S. Const.), as to require a U. S. Constitutional remedy, which is further available in Title 28 U.S.C., Section 2202, and which corrects the condition?

2. Whether U. S. citizens, eligible to vote in presidential elections, were so deprived and denied of the U. S. Constitutional right to vote, in the 1980 and 1984 Presidential Elections, (Amendment XIV, U. S. Const.), as to result in Election returns which failed to qualify any candidates for the offices of President and Vice President of the United States, all due to insufficient and unconstitutional election events?

3. Whether 1982 elections to the

U. S. Senate and House of Representatives were debased by federal and state statute laws which were enforced in the elections, so as to restrict nominations and effective participation of U. S. citizens who are eligible to vote, as to be elections which were largely irrelevant and unconstitutional?

4. Whether evidence shows that the effect of all state election statute law which was enforced in national elections in 1980, 1982, and 1984 so resulted in the denial of U. S. citizens' Constitutional 'right to vote', as to be unconstitutional law in Presidential and Vice Presidential Elections, and in elections to the U. S. Congress?

5. Whether the lower courts, excepting the U. S. circuit court sitting en banc, have any authority to enter judgment in this case, pursuant to 2 U.S.C. §437h? And whether the lower courts exceeded their authority when the courts failed to conform

the proceedings to statute law which is contained in Title 28 U.S.C. Section 2072, which declares the right and duty of the U. S. Supreme Court to 'prescribe judicial process' in the lower courts?

6. Whether Buckley v. Valeo, 424 U. S. 1, is applicable law in this proceeding?

7. whether Reynolds v. Sims, 377 U. S. 533 (1966); Lane v. Wilson, 307 U. S. 268 (1938); U. S. v. Classic, 313 U. S. 299 (1940); Bullock v. Carter, 405 U. S. 134 (1971); Kramer v. District; 395 U. S. 621 (1966); Dunn v. Blumstein, 405 U. S. 330 (1971); Moore v. Ogilvey, 394 U. S. 814 (1968); and Avery v. Midland, 390 U. S. 474 (1968) are applicable case law in this proceeding, when all of these cases support only a decision in favor of the appellant?

8. Whether an 'intermediate election' mandated by the U. S. Constitution, (Article

II, U. S. Const.), is a mandated remedy herein, and a remedy which is also available pursuant to Title 28 U.S.C. Section 2202?

LIST OF PARTIES

The parties in this action are those who are listed in the title of this action. The Complaint in the District Court contained the further provisions which are discussed in the footnote below.[1]

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[1] Concerning the appellees, the Complaint in the lower court would allow Senators of the U. S. Senate to enter pleadings through the Honorable President Pro Temp of the U. S. Senate, Senator Strom Thurmond; and Representatives in the House of Representatives to enter pleadings through Speaker O'Neill.

The Complaint finds no error with Honorable Senator Thurmond, but enjoins the Senator so that he may be informed of these proceedings, and further, so that

he may enter any pleadings which he believes are appropriate, or which other Senators wish to have entered.

The fifty states are enjoined in the action. Since there is duplication of the laws in the fifty states, only the first eight states, listed alphabetically and named in the title of the action, received service in the action. The proceedings in the lower courts show that this is a sufficient number. These states are representative of all regions of the United States, and of both large and small states. They are chosen without prejudice. The states responded in the lower courts.

The Complaint in the lower courts states that the appellant has no objection to participation by the other states. They may participate amicus curiae, or as appellees. They may join other states in entering pleadings. In other cases before the Supreme Court, the order granting jurisdiction has invited all of the states to enter pleadings, and to participate in oral arguments as suggested by the appellant in the paragraph above.

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Motion to Expedite

TABLE OF CASES AND AUTHORITIES

CASES

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390 U. S. 474 (1968)

Buckley v. Valeo 3, 9, 24-26, A-12--A-14
424 U. S. 1 (1975)

Bullock v. Carter 3, 9, 11, 28
405 U. S. 134 (1971)

Dunn v. Blumstein 3, 9, 29
405 U. S. 330 (1971)

Kramer v. District 3, 9
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Moore v. Ogilvey . . . . . 3 ,9
394 U. S. 814 (1968)

Reynolds v. Sims 3, 9, 31-32
377 U. S. 533 (1966)

Southern Terminal v. I. C. C. 29
219 U. S. 498 (1910)

Super Tire v. McCordle 11, 32
416 U. S. 127(1973)

U. S. v. Classic 3, 9
313 U. S. 299 (1940)

AUTHORITIES

The Congressional Record; Volume 48, 22-23
Part 7, Page 48

U. S. CONSTITUTIONAL PROVISIONS

Note: All U.S. Constitutional provisions are quoted at pages 12 to 14. The page which quotes the Constitutional provision is underlined below.

Article I A-12--A-13
Article II 3-4, 12-13, A-13
Article III 11, A-10
Article VI 1, 13
Amendment I 25, A-13
Amendment XIV . 1, 13-14, 20, 21, 25, 30
Amendment XII 13, 19
Amendment XVII 14
Amendment XX 14

U. S. Statute Law

Note: All U. S. Statute Law provisions are quoted at pages 14 to 16. The

page which quotes the Statute Law provision is underlined below.

Title 2 U. S. C. Section 437h . . . 14-15
2, 6, 8, 24, 26, 36-37, A-9

Title 3 U. S. C. Section 19 15

Title 28 Sections 2201 and 2202 16
1, 8, 11, A-9

Title 28 U. S. C. Section 2072 9, 16, 35

STATE ELECTION STATUTE LAW

Note: Listings of state election statute law are contained on pages 16 and A-11--A-12. References to the laws are made on pages 20-21 and 33.

IN THE SUPREME COURT
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No. _____

LOWELL M. STROOM,

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v.

JAMES E. CARTER, et al.

Appellees.

JURISDICTIONAL STATEMENT
2 U.S.C. Section 437h

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Pursuant to Rule 13(2) and 15 of the Rules of the Supreme Court of the United States, and Title 2 U.S.C. Section 437h, appellant, Lowell M. Stroom, files this statement of the basis upon which the Supreme Court of the United States has jurisdiction to review the judgment order

entered by the U. S. Circuit Court of Appeals for the Third Circuit in this case and should exercise such jurisdiction herein.

OPINIONS BELOW

The opinion of the U. S. Court of Appeals for the Third Circuit is unpublished, and is included in the Appendix herein, at page A-5. The same court denied a rehearing on April 17, 1986, which order is appended hereto at page A-7. The order of the U. S. District Court in this case is appended hereto at page A-1. The same order is unpublished.

GROUNDS OF JURISDICTION OF THE SUPREME COURT

This appeal arises from an action which sought to have adjudicated, laws of the U. S. Constitution, which have not previously been adjudicated by the U. S.

Supreme Court. The action sought to have the questions certified to this Court pursuant to Rules 24 and 25 of the U. S. Supreme Court. The laws of the Constitution for which adjudication was sought concern national elections--for President and Vice President of the United States. The judgment order of the U. S. Court of Appeals was entered on March 17, 1986, and an order denying rehearing was entered on April 16, 1986.

A timely notice of appeal was filed on April 23, 1986. The jurisdiction of this Court is invoked under the provisions of Title 2, United States Code, Section 437h. Section 437h allows 20 days in which to file this appeal, or until May 6, 1986. The Section further provides that expedited proceedings shall be available in the U. S. Supreme Court.

The Supreme Court further has jurisdiction pursuant to 28 U.S.C. §2201 and §2202,

and 28 U.S.C. Section 1343 and Section 1254(1). Section 1343 states that (jurisdiction of the Federal Courts) "shall extend to cases which redress the deprivation, under color of any state law, statute, ordinance, regulation, custom, or usage, of any right, privilege, or immunity secured by the Constitution"; and Section 1254(1) authorizes Supreme Court jurisdiction of all judgments and orders entered in the U. S. Courts of Appeals.

Cases which sustain the jurisdiction of this Court include: Buckley v. Valeo, 424 U. S. 1 (1975); U. S. v. Classic, 313 U. S. 299 (1940); Reynolds. v. Sims, 377 U. S. 533 (1963); Kramer v. District, 395 U. S. 621 (1966); Bullock v. Carter, 405 U. S. 134 (1971); Dunn v. Blumstein, 405 U. S. 330 (1971); Moore v. Ogilvey, 394 U. S. 314 (1968); and Avery v. Midland; 390 U. S. 474 (1968).

The Supreme Court has further jurisdiction pursuant to Title 28 U.S.C. Section 2072, which states that the "Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts and courts of appeals of the United States in civil actions... all laws in conflict with such rules shall be of no further force or effect after such have taken effect..." The lower courts, in the instant action, ignored the Rules of the Supreme Court, such that supervision is required herein. The instant case invokes several laws of the U. S. Constitution which have never been adjudicated by the Supreme Court. The Rules of the Supreme Court require that such laws shall be certified to the Supreme Court, when there is no case law which supports a judgment in the lower courts. The Supreme Court Rules require that such laws shall be identified to assist

the adjudication in the Supreme Court. The lower courts have ignored this directive of the Supreme Court.

The Supreme Court has further jurisdiction pursuant to Article III of the U. S. Constitution which states that "The judicial power of the United States shall be vested in one Supreme Court". The Supreme Court has stated in its decisions that it is the right and duty of the Court to adjudicate any condition wherein there is a controversy of the laws of the U. S. Constitution. Bullock v. Carter, 405 U. S. 134 (1971); Super Tire v. Mc Cordle, 416 U. S. 122 (1973). Statute law consistant with this provision of the Constitution is contained in 28 U. S. C. §1254(1).

Pursuant to 28 U. S. C. Sections 2201 and 2202, the Federal Courts have jurisdiction to enter any judgment which resolves a controversy of Constitutional laws, and the Courts may construct a remedy which

corrects the condition complained of, and which offends the laws of the U. S. Constitution.

STATUTES INVOLVED AND U.S. CONSTITUTIONAL PROVISIONS

The principal laws which this action invokes are those laws of the U. S. Constitution which intend to guide the elections of President and Vice President of the United States. Laws concerning the elections of U. S. Senators and Representatives are also included.

U. S. Constitutional Provisions

Article II, Section 2

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or persons holding an office of trust or profit under the United States, shall be appointed an elector.

Article II, Section 5

...and the Congress may by law provide for the case of...inability (legal disability) both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability is removed, or a President shall be elected. (by intermediate election).

Article VI, Section 2

This Constitution...shall be the supreme law of the land...any thing in the Constitution or laws of any State notwithstanding.

Amendment XII

The electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots, the person voted for as Vice President, and they shall make distinct lists of all persons voted for as Vice President, and of the number of votes for each...

Amendment XIV, Section 1

No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States.

Amendment XIV, Section 2

Representatives shall be apportioned among

the several States according to their respective numbers...but when the right to vote at any election...for President and Vice President of the United States, representatives in Congress...is denied to any...inhabitants...or is in any way abridged...the basis of representation shall be reduced.

Amendment XVII

The Senate of the United States shall be composed of two senators from each State, elected by the people thereof,..

Amendment XX, Section 3

...and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice-President shall have qualified.

U. S. Statute Law Provisions

Title 2 U.S.C. Section 437h

(a) The Commission, the national committee of any political party, or any individual eligible to vote in any election for the office of President may institute such actions in the appropriate district court to construe the constitutionality of any provision of this Act. The district court immediately shall certify all questions of constitutionality of this Act to the United States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(b) Notwithstanding any other provision of law, any decision on a matter certified under subsection (a) of this section shall be reviewable by appeal directly to the Supreme Court of the United States. Such appeal shall be brought no later than 20 days after the decision of the court of appeals.

(c) It shall be the duty of the court of appeals and of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a) of this section.

Title 3 U.S.C. Section 19

The U. S. Congress has enacted the following pursuant to Article II and Amendment XX:

If by reason of inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the Office of President, then the Speaker of the House of Representatives shall...act as President. (If)...the Speaker fails to qualify as acting President, then the President pro tempore of the Senate shall..act as President.

If the discharge of the power and duties of the office is founded in whole or in part in the failure of the President-elect and Vice-President elect to qualify, then he (the acting President) shall act only until a President or Vice President qualifies.

Title 28 U.S.C. Section 1254(3)

Cases in the courts of appeals may be reviewed by the Supreme Court by the

following methods:...(3) by certification at any time by the court of appeals...

Title 28 U.S.C. Section 2072

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts and courts of appeals of the United States in civil actions... All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect...

Title 28 U.S.C. Sections 2201, 2202

In a case of actual controversy within its jurisdiction...any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

2202. Further relief. Further necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.

State Statute Law Provisions

Alabama, Title 17, Elections
Alaska, Title 15, Elections
Arizona, Title 16, Elections
Arkansas, Title 3, Elections

California, Title 7, Elections
Colorado, Title 1, Colorado Election Code
Connecticut, Title 9, Elections
Delaware, Title 15, Elections

State Election Statute Law in the other States is appended hereto beginning at page A-11.

Rules of the U. S. Supreme Court

Rules 24 and 25

Questions certified by the Court of Appeals to the Supreme Court and Procedures.

STATEMENT OF THE CASE

The facts of the case underlying this appeal are as follows:

1. The condition which is complained of in the District Court is the cause of injury to the appellant and to all U. S. citizens, and the condition is offensive to the laws of the U. S. Constitution. The laws which are offended by the condition

have never been adjudicated by the U. S. Supreme Court. Therefore, in the District Court the appellant, for relief, asked that the questions be certified by the U. S. District Court to the U. S. Court of Appeals for the purpose of bringing the case before the U. S. Supreme Court.

2. The Complaint presented evidence, in a canvass of ballots cast and not cast in the Presidential and Vice-Presidential events in 1980 and in 1984, which showed that U. S. citizens are deprived of a government which is convened pursuant to the laws of the U. S. Constitution. The evidence further showed the constitutional intent of the laws relevant to Presidential and Vice-Presidential elections, pursuant to commentaries provided by the authors of the Constitution.

3. The evidence showed that the effect of all laws enforced in 1930 and in 1984 was election events which deprived and

denied U. S. citizens of their right to vote for the offices of President and Vice-President, so as to offend Amendments XII and XIV of the U. S. Constitution. The effect of the laws was to so restrict the participation of U. S. citizens in the election events as to deny a Constitutionally mandated ballot for those elections.

4. The evidence showed that in states with 500 of the 538 electoral college votes, the largest group of eligible voters were those who cast no ballot that was counted. The 500 votes is sufficiently large to affect the results of the election. The evidence further showed that as few as five (5) percent of eligible voters were able to declare that a president had been elected.

5. The evidence further showed that no votes were cast for any vice-presidential candidate in 1980 or in 1984 so as to offend the laws of Amendment XII of the U. S.

Constitution.

6. U. S. citizens were chiefly denied of their right to vote by state election statute law which was enforced. The unconsitutional law had the effect of denying U. S. citizens of any relevant candidates, and any relevant participation in the nominating process. The evidence showed that only about five (5) percent of the eligible voters had some participation in these events. The unconstitutional laws had the effect of excluding all but political parties from the events.

7. The condition presents the following kinds of questions:

a) Whether state election statute law containing references to political parties has the affect of denying eligible U. S. citizens of their effective right to vote in presidential and vice presidential elections pursuant to Amendment XIV?

b) Whether state election statute law enforced in 1980 and in 1984, especially as concerns the selection of presidential electors, had the effect of denying U. S. citizens of their right to vote for vice presidential candidates?

c) Whether state election statute law so restricts presidential nominations as to make national elections irrelevant and unconstitutional? Evidence shows, for example, that voters concluded that one, or both and all of the nominees printed on the ballot were irrelevant to presidential elections.

d) Whether political parties have any constitutional right in presidential and other elections? While Amendment I of the U. S. Constitution permits the formation of political parties. Amendment XIV clearly prohibits any state law which has for its effect, the denial of the right of U. S. citizens to an equally effect ballot in

presidential and vice presidential elections. Amendment XIV clearly restricts Amendment I, such that political parties would have no greater right in presidential elections than, for example, the American Bar Association.

8. It is a fact that the U. S. Constitution provides no role or even mention of political parties, and that none was intended at the Constitutional Convention in 1787 in Philadelphia. George Washington, who was president of the Constitutional Convention, spoke against political parties in his "Farewell to Congress" address, much as Benjamin Franklin had in the Convention. Washington reasoned that parties "agitate the community with ill founded jalousies and false alarms, (and) kindle the animosity of one part against another." He said further, that parties are the vehicle for which "cunning, ambitious, and unprincipled men will be enabled to subvert the power

of the peopel and to usurp for themselves the reins of government." Rather, he said, it is the Constitution's intent to create government of "popular character"... "government purely elective".

9. The questions presented in paragraph 8 above have not been adjudicated in the U. S. Supreme Court. As to Amendment XIV, the Supreme Court has adjudicated actions concerning the rights of U. S. citizens to vote in elections to the U. S. House of Representatives, and in the legislatures of State governments. Very precisely, the Supreme Court has not adjudicated the Constitutional issues in Presidential elections, especially as those elections relate to state election statute law. The District Court should have certified those questions to the Court of Appeals, pursuant to Rules 24 and 25 of the U. S. Supreme Court.

10. Rather, the District Court concluded

that the instant case is among the category of cases which includes Buckley v. Valeo, 424 U. S. 1 (1976). If this case were included in a category of cases which includes Buckley, the District Court would be required to conform to legal process provided by 2 U.S.C.§437h. Section 437h limits the authority of the District Court in such cases to certification of the questions to the U. S. Court of Appeals for the purpose of bringing the case before the Supreme Court. The District Court erred when it did not certify the questions.

11. A review of the laws which were invoked in the Buckley case was presented in the Circuit Court of Appeals. A copy of these laws, as they were presented in Buckley's Brief in the Supreme Court is appended hereto at page A-12. Buckley's brief, in evidence, showed that the laws invoked in Buckley are different than those which are invoked in the instant action.

The District Court's conclusion required the same court to certify the questions, as the relief requested sought to do.

12. The action was appealed to the Court of appeals for the Third Circuit, which concurred with the District Court. In the Court of Appeals, the appellant showed the following deficiencies in Buckley. (See Brief of Buckley excerpt in Appendix at page A-12.) Buckley invoked portions of Article I as to Senatorial Elections, all of which were revoked by Amendment XVII of the U. S. Constitution. Amendment XVII provides for the election of U. S. Senators by the people. Further Buckley did not adjudicate any of the laws of Amendment XIV, which limit and restrict Amendment 1. For example, how does Amendment I limit and restrict unique participation by political parties in national elections? The failure to invoke essential laws severely limits the applicability of Buckley

to any other case. If the Court of Appeals agreed with the District Court that Buckley was applicable herein, the Court of Appeals should have conformed to Title 2 U.S.C. Section 437h, which requires the Court of Appeals, sitting only en banc, to certify the case to the Supreme Court. Only a panel of the Court of Appeals reviewed this action. Pursuant to Section 437h of Title 2, a panel of the Court of Appeals has no authority in this case.

13. Clearly, Amendment XIV, establishes that national elections are to be governed by the laws of the U. S. Constitution and not the states. The U. S. Constitution establishes the offices which are in controversy, and the laws of the U. S. Constitution require effective elections for the perpetuation of Constitutional government.

14. This action, then, must be considered as a challenge to the 1982 elections to the

U. S. Senate and House of Representatives. A canvass of the votes in those 1982 elections shows that the right to vote in national elections in 1982 was severely denied in 1982. Evidence shows that Senators were not elected "by the people", but by a small minority of the people. In the median state, only about 40 to 45 percent of eligible citizens cast ballots, and 55 to 60 percent of eligible citizens cast no ballot that was counted. The evidence shown on Exhibit 1 appended hereto at page A-15,75 to 80 percent of all eligible voters cast no vote for the candidate who was declared, elected. Clearly that candidate does not have a mandate of the people.

15. Clearly, the intent of federal statute laws cannot be the funding of campaigns of the candidates of political parties. That is an unconstitutional purpose which is adverse to the rights of the People. The well-being of the people

is only served by laws which provide for more effective participation in national elections. The effect of the laws of the federal statutes, as well as the state statutes, as shown by the evidence in this proceeding, is detrimental to U. S. citzens, by depriving same of an effective right to vote. This case challenges the constitutionalit of the federal and state laws.

16. The order of the District Court made reference to the principle of 'moot'. This application of law is erroneous when the applica le principal of law herein is that the rules of the Constitution are supreme, and common law, ordinance, statute law, custom, or any other consideration, is insufficient to deny the Constitution's laws of their supremacy. This principal is clearly articulated by the Supreme Court's decision in Bullock v. Carter, 405 U. S. 134 (1971) where the Court said: (intervening events do) "not render this case moot". and

in Southern Terminal v. I. C. C., 219 U. S. 498 (1910), the Supreme Court said, effectively (inferior law, as mootness, is irrelevant) "where interests of a public character are asserted". In Dunn v. Blumstein, 405 U. S. 330 (1973), the Supreme Court said the case is not moot when the condition complained of is "capable of repetition". In the instant proceeding, the unconstitutional condition has been repeated in 1980, 1982, and in 1984. While this case is before the Court, appellees and/or their associates, have publicly discussed their intent to usurp the rights of the people in 1988.

17. Appellant contends, upon bringing this case before the U. S. Supreme Court, that this is a case of national scope, governed by the laws of the U. S. Constitution. Judgment, pursuant to the Rules of the U. S. Supreme Court, should only be entered by the U. S. Supreme Court. The lower courts were erroneous in entering judgment. This Court should call up the entire case, for the purpose of resolving the issues presented herein.

THE QUESTIONS ARE SUBSTANTIVE

This appeal presents important and substantial questions, as hereinafter described, in that:

1. The questions have a national scope, impacting on millions of U. S. citizens. Individual states are ineffective in attaining an effective ballot for their citizens, when an effective ballot for the citizens of one state, is dependant upon balloting in other states. Ballots in the state of Delaware, for example, are made ineffective, when the ballots provided in Alaska are ineffective. Amendment XIV shows clearly, that the questions are governed by the laws of the U. S. Constitution and not by the states.

2. It is the intent of legal process that the types of questions presented herein should have priority over all other cases before the court. There is no case law

supporting any decision by the lower courts when the laws of the Constitution have not been previously adjudicated. The opinions of the lower courts are arbitrary, and they are not contained within the limits provided by case law.

3. The condition complained of denies and deprives U. S. citizens of a government which is convened pursuant to the laws of the U. S. Constitution. There is, perhaps, nothing in our nation which is more precious to its citizens, than the U. S. Constitution. It is repugnant to all, when a condition is permitted to exist, which debases the Constitution, and the supremacy of its laws.

4. There is nothing which is more essential to Constitutional government, than protection for the elections upon which Constitutional government depends. This court has stated in many of its cases, as the court stated in Reynolds v. Sims, 377 U.S. 533 (1963): "Other rights, even

the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in an way that unnecessarily abridges this right." (at 560).

5. This court has stated in Super Tire v. McCordle, 416 U. S. 122 (1973), that there is a special duty to resolve Constitutional controversies which are "capable of repetition". There are elections scheduled for November of this year which are likely grievously unconstitutional, based upon the results in 1982. The condition is one which requires immediate attention.

6. The condition is more than one of 'national' concern. The leadership role of our nation, among the nations of the world, requires that our elections be genuine and equitable, such that we can advise other nations on elections. Similarly, we can not expect our local elections

to be equitable, when our national elections fail to conform to the laws of the Constitution. National elections fail to provide the effective example which is required by local governments.

7. There is no other relief available. Article III assigns the right and duty of resolving the instant controversy to the Supreme Court. No other group have the authority or the ability to resolve the questions herein.

8. The effect of the unconstitutional state and federal statute law is grievous injury to our nation. The same laws effectively restrict our nation's most skilled leadership from participation as candidates in Presidential and Vice-Presidential elections. The candidates who are listed on ballots consistently lack the skills which are required by the offices. The present failed domestic policies have cost our nation nearly a

trillion dollars in indebtedness. This injury must be further sustained by future generations and not by those who accumulate the debts. The present failed foreign policies are damaging to people around the world, and to future generations of U. S. citizens.

9. The U. S. Supreme Court has intended that 'one man-one vote' shall be the guiding rule for all national elections. But the Supreme Court has not adjudicated presidential and vice-presidential elections, as those elections are protected in Amendment XIV. Do state election statute laws deprive U. S. citizens of their right to vote in Presidential and Vice-Presidential Elections? Does Amendment XIV prohibit unique participation of political parties as presently allowed in statute law, state and federal? Do same laws further debase elections under color-of-law, by suggesting that some U. S. citizens have a greater right to office than

other U. S. citizens.

11. The authors of the U. S. Constitution anticipated the condition which is complained of, and the laws of the Constitution are prepared to provide a relief which corrects the condition.

12. The questions which are presented are at the very essence of Constitutional government.

ABUSE OF AUTHORITY

The lower courts exceeded their authority in these proceedings, and ignored the directives of the U. S. Supreme Court. Title 28 U.S.C. Section 2072 requires that "The Supreme Court shall have the power to prescribe general rules, forms of process, ...and the practice and procedure of the district court and courts of appeals..." The Supreme Court has shown its preference for adjudicating laws which have not

previously been adjudicated in the Supreme Court, in proceedings which are more nearly original proceedings. This preference is further supported by statute law, Title 2 U. S. C. Section 437h, which is enacted by the U. S. Congress. Thus, the lower courts ignored and failed to conform to the authority of the Supreme Court. Applicable process and procedure prohibits the District Court and a panel of the Court of Appeals from entering judgment in this action.

CONCLUSION

For the reasons stated above, appellant submits that this appeal brings the court substantial and important federal questions which require plenary consideration, with briefs on the merits and oral argument, for their resolution, and that expedited proceedings, as required by Title 2 U.S.C. Section 437h should be provided. In the alternative, this court should issue a

writ of certiorari and provide for expedited proceedings as required by Title 2 U.S.C. Section 437h.

Dated: May 5, 1986

Respectfully submitted,

Lowell M. Stroom
Box D-6
123 South 39 Street
Philadelphia
Pennsylvania 19104

Sworn to before me this 5th day of May, 1986.

SHIRLEY BERG
Notary Public, Phila., Phila. Co.
My Commission Expires April 22, 1986

AFFIDAVIT OF SERVICE

State of Pennsylvania

County of Philadelphia

I, Lowell M. Stroom, depose and say:

Service of three (3) copies of this 'Jurisdictional Statement' with appended pleadings is made in person to the office of the Solicitor General of the United States. Service is accepted by a person authorized to accept such service at the Justice Department in Washington, D. C. The Solicitor General further accepts three copies of the same pleading for each of the following: Appellees Carter, Mondale, Reagan, and Bush, who are permitted to enter pleadings in this proceeding.

Further service is made in person to the Senate Legal Counsel at 642 Hart Office Building, Washington, D. C. 20510; and to Legal Counsel in the offices of the Clerk

of the House, Room H-105, U. S. Capitol, Washington, D. C. 20515. Service there is accepted for Speaker O'Neill.

Service is made by prepaid first class U. S. Mail to the following:

The Solicitor General of Arizona
Attn. Mr. Anthony E. Ching, Esq.
1275 W. Washington St.
Phoenix, Arizona 85007

The Office of the Attorney Gen. of Alaska
Attn: Mr. Norman Gorauch, Esq.
Department of Law
40 State Capitol
Pouch K
Juneau, Alaska 99811

The Office of the Attorney Gen. of Alabama
Attn. Mr. Charles A. Graddick, Esq.
250 Administration Building
Montgomery, Alabama 36139

State of Arkansas
Office of the Attorney Gen. of Arkansas
Attn.: Mr. Steve Clark
State Capitol
Little Rock, Arkansas 72201

State of Colorado
Office of the First Assistant Attn. Gen.
State Services Building
1525 Sherman Street
Denver, Colorado 80203

State of Connecticut
Office of the Attorney Gen. of Connecticut
Attn. Mr. Robert Longer
30 Trinity Street
Hartford, Connecticut 06106

State of California
The Office of the Attn. Gen, of California
Attn. Mr. John van de Kamp, Esq
Department of Justice
555 Capitol Mall
Ste 350
Sacramento, California 95814

State of Delaware
Office of the Attn. Gen. of Delaware
Attn.: Mr. Charles Oberly, Esq.
Department of Justice
Elbert Carver State Office Building
820 W. French Street
Wilmington, Delaware 19801

Dated: May 5, 1986

Lowell M. Stroom
Box D-6
123 South 39 Street
Philadelphia
Pennsylvania 19104

Sworn to before me this 5th day of May, 1986

Notary Public, Phila., Phila. Co.
My Commission Expires April 22, 1986

APPENDIX

(i) Same items as provided in (iii)

(ii) The Order of the District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LOWELL M. STROOM : CIVIL ACTION
v. : No. 83-3144
JAMES E. CARTER, et al.: Filed Sep, 10 1985

MEMORANDUM AND ORDER

VanARTSDALEN, j. September 10, 1985

Plaintiff, who is proceeding pro se, filed this action in 1983 against the former President of the United States and a number of other defendants. See Stroom v. Carter, No. 83-3144, slip op. at 1 n. 1 (E.D. Pa. October 20, 1983). The complaint averred that plaintiff was a condidate in the 1980 presidential election and appeared to challenge the propriety of the election on a number of grounds.[1] I granted summary judgment in favor of all defendants on the grounds of res judicata and collateral estoppel.

Plaintiff, who is quite persistent, evidently appealed my decision to both the

court of appeals and the Supreme Court, or at least attempted to do so.[2]

Plaintiff has filed a Rule 60(b)(2)(6) motion for relief from judgment. The eight page motion is accompanied by a six page affidavit and a seven page order. It appears that the Supreme Court refused to hear plaintiff's appeal (or his direct action) pursuant to Rule 17.1(c) of the Court's Rules. Plaintiff, therefore, seeks to have this court set aside its previous order granting summary judgment and certify and transmit this action to the United States

1. Plaintiffs prolix complaint was difficult to decipher. It was the antithesis of a "short and plain statement of the claim" required by Rule 8(a)(2) of the Federal Rules of Civil Procedure. Moreover, the majority of the complaint appeared to be devoted to an historical development of the electoral college and the constitutional conventions, as they related to electing the President of the United States.

2. Plaintiff also filed his complaint directly with the Supreme Court. I noted in my opinion granting summary judgment that such fact probably left me without jurisdiction to entertain the action. Nevertheless, to the extent I had jurisdiction, summary judgment was granted.

Court of Appeals for the Third Circuit, so that court can in turn send the case to the Supreme Court.

Plaintiff's latest pleading once again contains a number of procedural and substantive deficiencies under federal procedural rules and applicable law. Foremost among his problems is the incontrovertible fact that plaintiff's challenge to the 1980 presidential election has long since been mooted by the election of 1984. To my knowledge, plaintiff has not sought to amend the original complaint to challenge the 1984 presidential election. Although plaintiff appears now to incorporate the 1984 election in his latest pleading, no proper, formal motion challenging the 1984 election has been made of record. Plaintiff apparently regards the 1984 election as an inconsequential "intervening matter." Unfortunately, for a party seeking equitable relief regarding the 1980 election, the 1984

presidential election is not merely an intervening matter, it moots whatever claims for relief plaintiff's complaint may be read to assert (they are numerous and novel).

Plaintiff's latest pleading will be denied.

(iii) The judgment appealed from.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 85-1616

LOWELL M. STROOM,

Filed Mar 17 1986 Appellant

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly VICE-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U.S. Senate; THOMAS P. O'NEILL, Speaker of the U. S. House of Representatives; AMBASSADORS AND APPOINTED U.S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W

(Civil Action No. 83-3144 - E.D.Pa.)
DISTRICT JUDGE:
Honorable Donald W. Van Artsdalen

Submitted Under Third Circuit Rule 12(6)
March 13, 1986

BEFORE: SEITZ, WEIS and MANSMANN,
Circuit Judges.

JUDGMENT ORDER

After consideration of all the contentions raised by appellant, and essentially on the basis of the grounds given by the

district court, it is

ADJUDGED AND ORDERED that the judgment of the district court be and hereby is affirmed.

Costs taxed against appellant.

By the Court:
SEITZ (signed)
Circuit Judge

ATTEST:
SALLY MARVOS (signed)

(iii) Order on appeal denying rehearing.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 85-1616

LOWELL M. STROOM,

Appellant

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H.W. BUSH, 1980 Vice Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U. S. Senate; THOMAS P. O'NEILL, Speaker of the U. S. House of Representatives; AMBASSADORS AND APPOINTED U. S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF CALIFORNIA, ALABAMA, ALASKA, ARIZONA, ARKANSAS, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W

(D. C. Civil No. 83-3144 - E. D. of Pa.)

SUR PETITION FOR REHEARING

PRESENT: ALDISERT, Chief Judge, SEITZ, ADAMS, GIBBONS, HUNTER, WEIS, GARTH, HIGGINBOTHAM, SLOVITER, BECKER, STAPLETON, and MANSMANN Circuit Judges.

The petition for rehearing filed by appellant in the above entitled case having been submitted to the judges who participated

in the decision of this court and to all available circuit judges of the circuit in regular service, and no judge who concurred in the above decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

By the Court,
SEITZ (signed)
Circuit Judge

Dated: April 16, 1986

(iv) The Notice of Appeal

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

LOWELL M. STROOM, :
Appellant,

v. : No. 85-1616

JAMES E. CARTER, et al.
Appellees. :

NOTICE OF APPEAL TO THE SUPREME COURT
OF THE UNITED STATES

Notice is hereby given that Lowell M. Stroom, the Appellant above named, hereby appeals to the Supreme Court of the United States from the final judgment order of the United States Court of Appeals for the Third Circuit entered in this action on 17 March, 1986, and the same court's denial of a rehearing filed April 16, 1986.

This appeal is taken pursuant to Title 2, United States Code, Section 437h. The Supreme Court, further, has jurisdiction pursuant to Title 28, United States Code, Sections 1331, 2201, and 2202, and Article

III of the U. S. Constitution.

Dated: 23 April, 1986

LOWELL M. STROOM
(signed)

Lowell Stroom
Box D-6
123 S. 39 Street
Philadelphia,
Pennsylvania 19104

(v) Other appended materials

1. State Election Statute Law challenged herein.

Alabama; Title 17, Elections
Alaska; Title 15, Elections
Arizona; Title 16, Elections
Arkansas; Title 3, Elections
California; Title 7, Elections
Colorado; Title 1, Colorado Election Code
Connecticut; Title 9, Elections
Connecticut; Title 9, Elections
Delaware; Title 15, Elections
Florida; Title IX, Florida Election Code
Georgia; Title 34, Georgia Election Code
Hawaii; Title 2, Elections
Idaho; Title 34, Elections
Illinois; Chapter 46, The Election Code
Indiana; Title 3, Indiana Election Code
Iowa; Title IV, Elections
Kansas; Chapter 29, Elections
Kentucky; Title X, Elections
Louisiana; Louisiana Election Code, Title 18
Maine; Title 21, Elections
Maryland; Article 33, Elections
Michigan; Title 6, Michigan Election Code
Minnesota; Part 1, Chapter 200, Elections
Mississippi; Title 23, Elections
Missouri; Title IX, Elections
Montana; Title 13, Elections
Nebraska; Title 32, Elections
Nevada; Title 24, Elections
New Hampshire; Title IV, Elections
New Jersey; Title 19, Elections
New Mexico; Title 1, Elections
New York; Chapter 17, Election Laws
North Carolina; Chapter 163, Elections
Ohio; Title 35, Elections
Oklahoma; Title 23, Elections
Oregon; Title 26, Elections
Pennsylvania; Title 25, Elections
Rhode Island; Title 17, Election Law
South Carolina; Title 7, Election Law

South Dakota; Title 12, Elections
Tennessee; Title 2, Election Code
Texas; Title and Volume 9, Election Code
Utah; Title 20, Elections
Vermont; Title 17, Vermont Election Code
Virginia; Title 24.1, Elections
Washington; Title 29, Elections
West Virginia; Chapter 3, Election Code
Wyoming; Title 22, Elections

(v) Excerpt from the Brief of Appellants in Buckley v. Valeo, 424 U. S. 1 (1975). The excerpt contains the laws which appellant's invoked in their brief. See a further description of these laws on page 24 of the Jurisdictional Statement.

BRIEF OF THE APPELLANTS

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The constitutional provisions involved in this appeal are:

Article I, Section 4:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may

at any time by Law make or altar such Regulations, except as to the Places of Chusing Senators.

Article 1, Section 8, clause 1:

"The Congress shall have Power To... provide for...general welfare of the United States..."

Article II, Section 2, clause 2:

"...He (the President)...shall nominate and by and with the Advice and Consent of the Senate shall appoint ambassadors, other public Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Amendment 1:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the

freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Amendment IV:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Amendment V:

"No person shall be . . . deprived of life, liberty, or property, without due process of law..."

Amendment IX:

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

(v) Other appendages, continued.

3. Exhibit 1. Evidence contained in a canvass of all ballots cast and those not cast in the 1982 U. S. Congressional Elections.

State	# of votes cast in 1982 Cong. elections in 000's	eligible voters in state, in 000's	% of voters casting ballots	Senate or House Election	# votes cast for leading candidate, in 000's	% of all votes cast for lead candidate
Alabama	844	2,732	31	HR	XX	XX
Alaska	180	271	67	HR	XX	XX
Arizona	724	1,927	38	S	411	21
Arkansas	759	1,615	47	HR	XX	XX
Califor.	7,805	17,279	45	S	4,023	23
Colorado	936	2,081	45	HR	XX	XX
Connect.	1,084	2,285	45	S	546	23
Delaware	191	428	45	S	105	25
Florida	2,651	7,387	36	S	1,637	22
Georgia	1,168	3,817	31	GV	734	19
Hawaii	306	689	44	S	245	36
Idaho	321	637	50	HR	XX	XX
Illinois	3,492	8,183	43	HR	XX	XX
Indiana	1,817	3,872	47	S	978	25
Iowa	1,004	2,088	48	HR	XX	XX
Kansas	651	1,715	44	HR	XX	XX

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1985

No. _____

LOWELL M. STROOM,

Appellant,

v.

JAMES E. CARTER, et al.

Appellees.

MOTION TO EXPEDITE

Lowell M. Stroom, Appellant above named, requests and moves the Court to accelerate these proceedings as provided by Title 2 U.S.C. Section 437h. Section 437h(c) states that the Supreme Court shall advance on the docket and expedite to the greatest possible extent, the subject matter of these proceedings.

Respectfully submitted,

Lowell M. Stroom

Dated:
May 5, 1986

Lowell M. Stroom
Box D-6
123 South 39 Street
Philadelphia,

The Motion to Expedite is sworn to before me this 5th day of May, 1986.

Shirley Berg

Notary Public, Phila., Phila. Co.
My Commission Expires April 22, 1988